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SERVICE DATE - JANUARY 8, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1161X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—  
IN VERMILION AND CHAMPAIGN COUNTIES, IL

Decided: January 7, 2004

On February 7, 1997, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for Champaign County Design and Conservation Foundation (CCDC Foundation) to negotiate an interim trail use/rail banking agreement with Consolidated Rail Corporation (Conrail) for approximately 24.50 miles of railroad known as the Pekin Secondary Track from approximately milepost 4.00 to approximately milepost 28.50, in Vermilion and Champaign Counties, IL. At the request of the CCDC Foundation and CSX Transportation, Inc. (CSXT), which is the successor to Conrail's interest in this proceeding, the negotiation period under the NITU was extended several times; the latest extension is due to expire on January 30, 2004.<sup>1</sup>

On December 15, 2003, CSXT filed a request for an extension of the negotiating period until July 30, 2004. CSXT states that the parties are unable to finalize the trail negotiations by January 30, 2004.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>2</sup> Accordingly, the negotiating period will be extended to July 30, 2004.<sup>3</sup>

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<sup>1</sup> The most recent extension of the negotiation period under the NITU was authorized by decision served July 29, 2003.

<sup>2</sup> See Rail Abandonment—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

<sup>3</sup> Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company—Abandonment Exemption—In Jackson Victoria and Wharton Counties, TX, Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended to July 30, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary